

## **Appendix B** Correspondence

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## SECTION 106 NATIVE AMERICAN CONSULTATION RECORD

### Proposed Interstate 5 HOV Extension Project, Cities of San Clemente, Dana Point, and San Juan Capistrano Orange County, California

Date LSA Requested Sacred Lands File Search: November 17, 2009

Date Native American Heritage Commission Replied: December 1, 2009

Results of Sacred Lands File Search: Indicated the presence of Native American cultural resources within 0.5 mi of the APE and recommended LSA contact the groups/individuals listed below.

Groups Contacted	Date LSA Letter to Tribes	Date Tribal Response Received	Date and Results Follow-up Telephone Calls, and/or Emails
Juaneño Band of Mission Indians Acjachemen Nation David Belardes, Chairperson Juaneño	12-07-09	01-05-10 (via Joyce Perry): Ms. Perry requested that an archaeologist and Native American monitor be present during all ground disturbance. She also requested that a meeting be arranged early in the year to discuss sites they may know about. 05-18-10: The requested meeting was held with Mr. Belardes. After viewing the project Area of Potential Effects (APE) maps with known cultural resources plotted on them, Mr. Belardes concluded that the APE was completely disturbed and any archaeological site remnants would likely be in a redeposited context. He retracted the monitoring recommendation but requested that the Tribe be notified immediately of any discoveries.	Not applicable.
Juaneño Band of Mission Indians Anita Espinoza Juaneño	12-07-09	No response received.	01-21-10: There was no answer. 02-12-10: Ms. Espinoza responded that the area is very sensitive and recommends monitoring by an archaeologist. She requests that she be notified of any discoveries.
Juaneño Band of Mission Indians Alfred Cruz Juaneño	12-07-09	No response received.	01-21-10: Left voice mail. 01-22-10: Mr. Cruz responded that he knows of a lot of sites in that area and it is very sensitive. He recommends monitoring by a Native American and an archaeologist and he can provide monitoring.
United Coalition to Protect Panhe (UCPP) Rebecca Robles Juaneño	12-07-09	No response received.	01-21-10: Ms. Robles requested that an email be sent and she would respond to that. Please see attached email. To date, no response has been received.
Juaneño Band of Mission Indians Adolph "Bud" Sepulveda, Vice Chairperson Juaneño	12-07-09	No response received.	01-21-10: A detailed voicemail was left for Mr. Sepulveda. 02-12-10: A detailed voicemail was left for Mr. Sepulveda.

Juaneño Band of Mission Indians Acjachemen Nation Joyce Perry Juaneño	12-07-09	<p>01-05-10: Ms. Perry requested that an archaeologist and Native American monitor be present during all ground disturbance. She also requested that a meeting be arranged early in the year to discuss sites they may know about.</p> <p>05-18-10: The requested meeting was held with Mr. Belardes. After viewing the project Area of Potential Effects (APE) maps with known cultural resources plotted on them, Mr. Belardes concluded that the APE was completely disturbed and any archaeological site remnants would likely be in a redeposited context. He retracted the monitoring recommendation but requested that the Tribe be notified immediately of any discoveries.</p>	Not applicable.
Juaneño Band of Mission Indians Sonia Johnston, Chairperson Juaneño	12-07-09	No response received.	<p>01-21-10: A detailed voicemail was left for Ms. Johnston.</p> <p>02-12-10: A detailed voicemail was left for Ms. Johnston.</p>

LSA

LSA ASSOCIATES, INC.  
20 EXECUTIVE PARK, SUITE 200  
IRVINE, CALIFORNIA 92614

949.553.0666 TEL  
949.553.8076 FAX

BERKELEY  
CARLSBAD  
FORT COLLINS

FRESNO  
PALM SPRINGS  
POINT RICHMOND

RIVERSIDE  
ROCKLIN  
SAN LUIS OBISPO  
SOUTH SAN FRANCISCO

November 17, 2009

Dave Singleton  
Native American Heritage Commission  
915 Capitol Mall, Room 364  
Sacramento, CA 95814

Subject: Sacred Lands File Search for the Proposed I-5 HOV Extension Project, Orange County, California

Dear Mr. Singleton:

Attached please find a portion of the *Dana Point, California* United States Geological Survey (USGS) 7.5-minute topographic quadrangle map. Plotted on the map is the location of the proposed I-5 HOV Extension Project, located in Orange County, California. Specifically, the project is situated in:

Sections 19, 28, 29, 30, 32, and 33, Township 8 South, Range 7 West; and

Sections 12, 13, and unsectioned portions, Township 8 South, Range 8 West.

There will be ground disturbance associated with this project. LSA is requesting a search of the Sacred Lands File for this project area; please notify LSA of any Traditional Cultural Properties (TCPs) and/or Native American cultural resources or sacred areas that may be impacted.

I will anticipate a response within 10 working days from your receipt of this request. Thank you very much for your assistance. If you have any questions or comments, please contact me at (949) 553-0666, or e-mail me at [terri.fulton@lsa-assoc.com](mailto:terri.fulton@lsa-assoc.com).

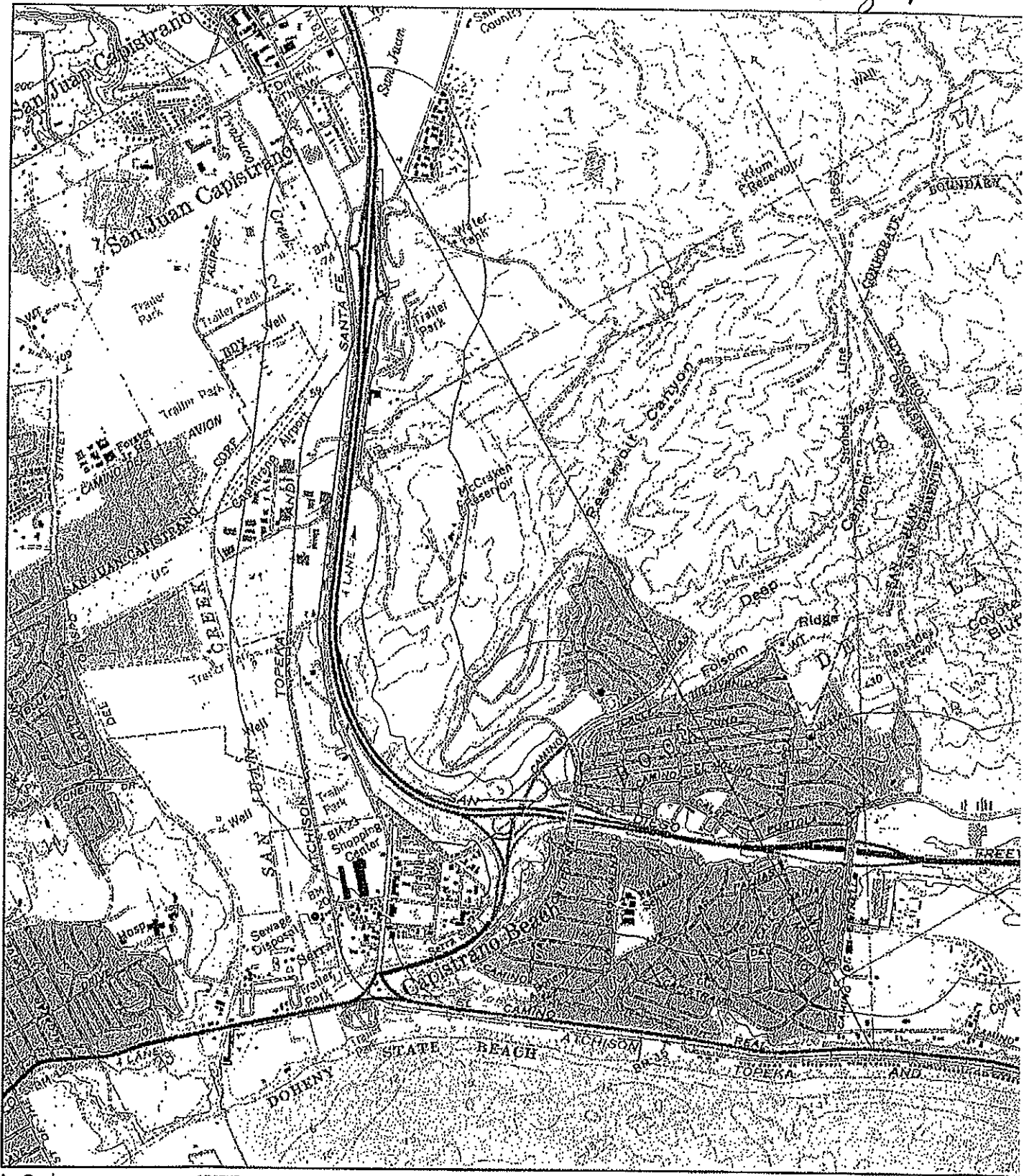
Best Regards,

LSA ASSOCIATES, INC.



Terri Fulton  
Archaeologist/Senior Cultural Resources Manager  
Native American Consultation

Attachments: Portions of USGS maps



LSA

LEGEND

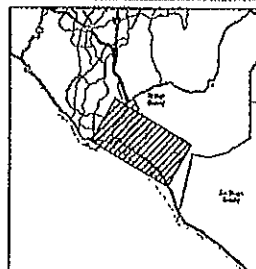
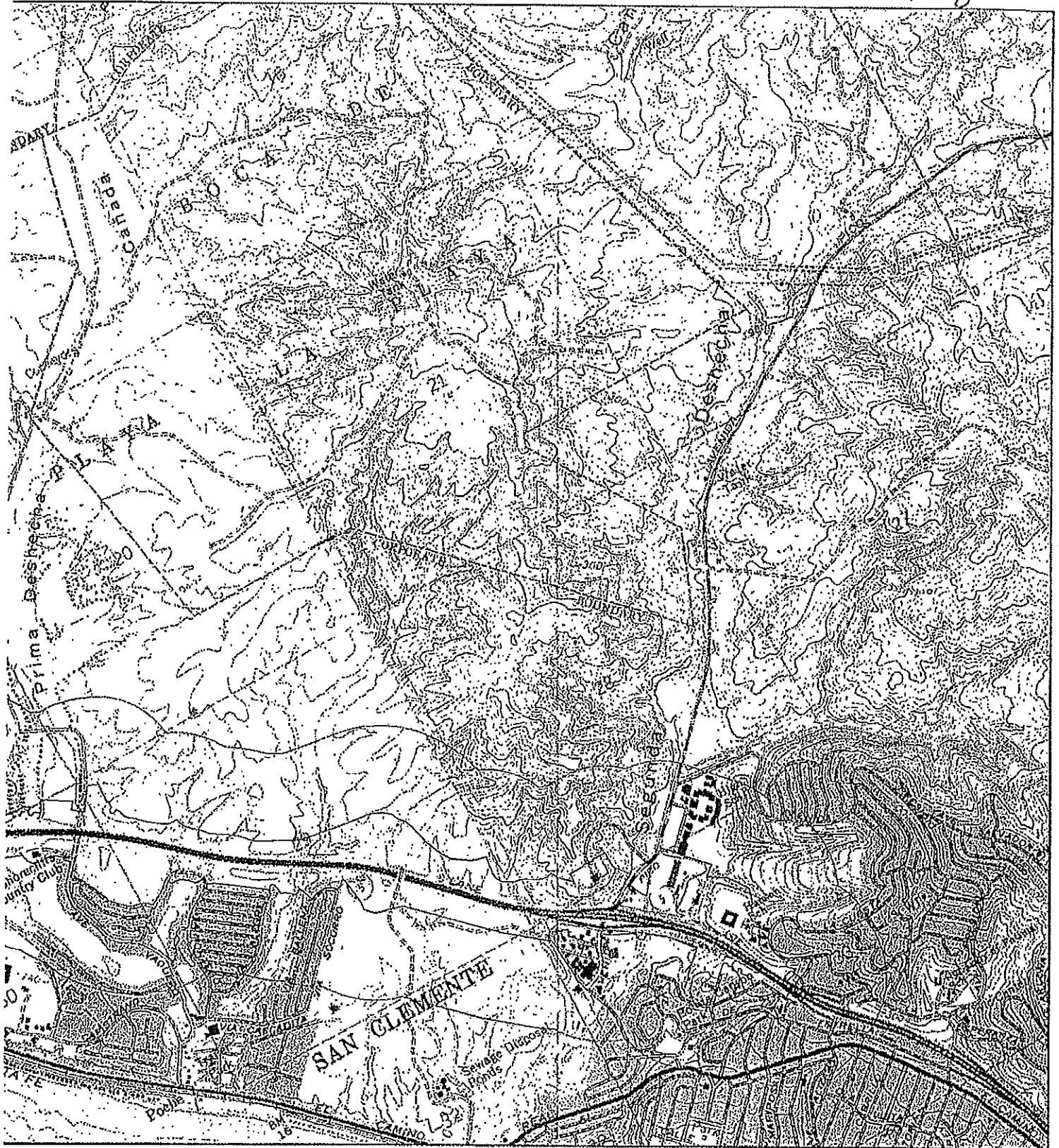
- APE - Area of Potential Effects
- APE 1/4 Mile Buffer



0 1000 2000  
FEET

SOURCE: USGS 7.5' QUAD - DANA POINT (75); SAN CLEMENTE (75)

\\ARMN0901\GIS\PDF\RecordsSearch\_1Page.mxd (10/14/2009)



TRANSMISSION VERIFICATION REPORT

TIME : 11/17/2009 14:31  
NAME :  
FAX :  
TEL :  
SER.# : 00005J225683

DATE, TIME  
FAX NO./NAME  
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OK  
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ECM



STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 384  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
da\_nahc@pacbell.net



December 1, 2000

Ms. Terri Fulton, Archaeologist/Senior Cultural Resources Manager

**LSA ASSOCIATES, INC.**

20 Executive Park, Suite 200  
Irvine, CA 92614

Sent by FAX to 949-653-8076

No. of Pages: 3

Re: Request for a Sacred Lands File Search and Native American Contacts List for a Proposed Interstate 5 (I-5) HOV Extension Project; located in the San Juan Capistrano and San Clemente areas of Orange County, California

Dear Ms. Fulton:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources (c.f. CA Public Resources Code §21070; also c.f. *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>rd</sup> 604), was able to perform a record search of its Sacred Lands File (SLF) for the affected project area (APE) requested. The California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 - 21177) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." The NAHC SLF search did indicate the presence of Native American cultural resources within one-half - mile radius of Sections 12 and 13 of Township 8 South and Range 8 West, but not in Township 8 South and Range 7 West of the proposed project (APE).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and individuals as 'consulting parties' under both state and federal law.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation Coordinator's office (at (916) 653-7278, for referral to the nearest Information Center of which there are 10.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] et seq), 38 CFR Part 800.3, and NAGPRA (25 U.S.C. 3001-3013), as appropriate. .

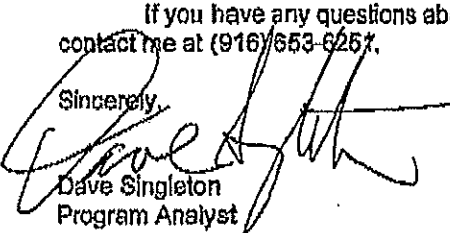
Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a

project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.6 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6257.

Sincerely,



Dave Singleton  
Program Analyst

Attachment: Native American Contacts List (NOTE: we further recommend that other forms of 'proof of mailing or proof of contact be utilized instead of 'Return Receipt Requested' Certified or Registered Mail.) Further, we suggest a follow-up telephone call to the contacts if the replies are not received or need clarification.

**Native American Contact  
Orange County  
December 1, 2009**

Juaneno Band of Mission Indians Acjachemen Nation  
David Belardes, Chairperson  
32161 Avenida Los Amigos Juaneno  
San Juan Capistrano CA 92675  
DavidBelardes@hotmail.com  
(949) 293-8522  
(949) 493-4933 - Home

Juaneno Band of Mission Indians  
Anita Espinoza  
1740 Concerto Drive Juaneno  
Anaheim , CA 92807  
(714) 779-8832

Juaneno Band of Mission Indians  
Alfred Cruz, Cultural Resources Coordinator  
P.O. Box 25628 Juaneno  
Santa Ana , CA 92799  
alfredgcruz@sbcglobal.net  
714-998-0721  
714-998-0721 - FAX  
714-321-1944 - cell

United Coalition to Protect Panhe (UCPP)  
Rebecca Robles  
119 Avenida San Fernando Juaneno  
San Clemente CA 92672  
(949) 573-3138

Juaneno Band of Mission Indians  
Adolph 'Bud' Sepulveda, Vice Chairperson  
P.O. Box 25628 Juaneno  
Santa Ana , CA 92799  
bssepul@yahoo.net  
714-838-3270  
714-914-1812 - CELL  
bssepul@yahoo.net

Juaneno Band of Mission Indians Acjachemen Nation  
Joyce Perry  
4955 Paseo Segovia Juaneno  
Irvine , CA 92612  
949-293-8522

Juaneno Band of Mission Indians  
Sonia Johnston, Tribal Chairperson  
P.O. Box 25628 Juaneno  
Santa Ana , CA 92799  
sonia.johnston@sbcglobal.  
(714) 323-8312

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Interstate 5 HOV Extension Project; located in the San Juan Capistrano and San Clemente areas of southern Orange County, California for which a Sacred Lands File search and Native American Contacts list were requested.



LSA ASSOCIATES, INC.  
20 EXECUTIVE PARK, SUITE 200  
IRVINE, CALIFORNIA 92614

949.553.0666 TEL  
949.553.8076 FAX

BERKELEY  
CARLSBAD  
FORT COLLINS

FRESNO  
PALM SPRINGS  
POINT RICHMOND

RIVERSIDE  
ROCKLIN  
SAN LUIS OBISPO  
SOUTH SAN FRANCISCO

December 7, 2009

Juaneno Band of Mission Indians  
Alfred Cruz  
Cultural Resources Coordinator  
P.O. Box 25628  
Santa Ana, CA 92799

Subject: Native American Consultation for the Proposed I-5 HOV Lane Extension Project,  
Cities of Dana Point, San Clemente, and San Juan Capistrano, Orange County,  
California

Dear Mr. Cruz:

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), the City of Dana Point, the City of San Clemente, and the City of San Juan Capistrano, is proposing to widen Interstate 5 (I-5) between Avenida Pico and San Juan Creek Road. The project objectives are to provide continuity of the I-5 mainline high-occupancy vehicle (HOV) lane network within the project limits; maximize overall performance within the project limits by minimizing weaving conflicts at the termini of the HOV lanes and maintaining travel speeds for HOV lane users; provide intermittent auxiliary lanes, where needed, to relieve congestion at diverge and merge locations; minimize right-of-way acquisition; relieve congestion within interchange areas, on- and off-ramps, and local intersections; and reduce congestion on I-5 within the project limits. The project limits on I-5 extend from 0.1 mile (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.3) to 0.1 mi south of the San Juan Creek Road UC (PM 8.7). The proposed project will add one HOV lane in each direction on I-5 throughout the project limits, reestablish existing auxiliary lanes and construct new auxiliary lanes, and improve several existing on- and off-ramps. A map of the project area is attached.

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that federal undertakings such as this consider the effect they may have on historic properties. These include properties of traditional religious and cultural significance to Indian tribes. Government-to-government relationships, as required by federal law, include the identification of an individual designated by an Indian Tribe for the purposes of consultation. If you are not the designated representative, please forward this information to the person who is responsible. Additionally, for the purposes of future consultation, please inform me who will handle consultation for your tribe.

To determine whether any historic properties may be affected by the project, LSA has conducted a records search at the South Central Coastal Information Center located at California State University, Fullerton. The results of the records search indicate there are 5 prehistoric archaeological sites within the project area, and 13 prehistoric archaeological sites within a 0.25 mi radius of the project area.

LSA also requested that a Sacred Lands File Search (SLF) be conducted by the Native American Heritage Commission (NAHC). The results of the SLF did indicate the presence of Native American cultural resources within a 0.5 mi radius of portions of the project area. The NAHC also provided your

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contact information as someone who may have information about cultural resources that could be impacted by the project.

If you know of any cultural resources that may be of religious and/or cultural significance to your community, or if you would like more information, please do not hesitate to contact me at the above telephone number or address, or by e-mail at [terri.fulton@lsa-assoc.com](mailto:terri.fulton@lsa-assoc.com). If I do not receive a response from you, I will contact you by telephone to discuss any comments or concerns you may have. Thank you for your time and involvement in this process.

Respectfully,

LSA ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'TFulton', written over a horizontal line.

Terri Fulton  
Archaeologist/Senior Cultural Resources Manager  
Native American Consultation

Attachment: USGS Maps

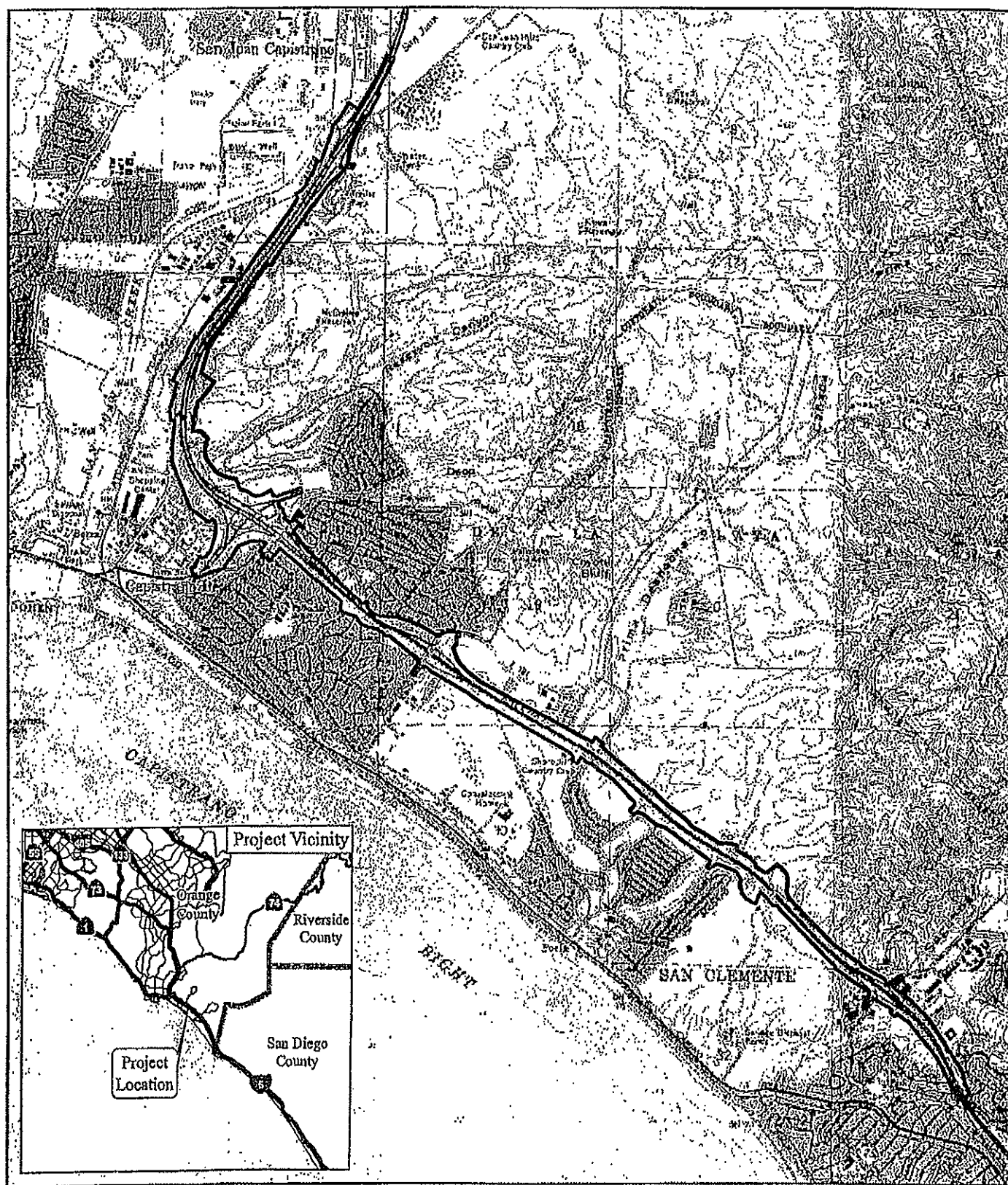


FIGURE 1

### LEGEND

#### **Project Location**



0 1500 3000  
FEET

### *I-5 HOV Extension*

### Project Location

7006 0100 0001 3382 1796

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Total Postage & Fees	\$ 5.98	

Sent To: Juaneno Band of Mission Indians  
 Street, Apt. No. or PO Box No.: Anita Espinoza  
 1740 Concerto Drive  
 City, State, ZIP: Anaheim, CA 92807  
 PS Form 3800, 11 RmN0901

7006 0100 0001 3382 1802

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Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.98	

Sent To: United Coalition to Protect Panhe (UCPP)  
 Street, Apt. No. or PO Box No.: Rebecca Robles  
 119 Avenida San Fernando  
 City, State, ZIP: San Clemente, CA 92672  
 PS Form 3800, 11 RmN0901

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Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.98	

Sent To: Juaneno Band of Mission Indians Acjachemen  
 Nation  
 Street, Apt. No. or PO Box No.: David Belardes  
 Chairperson  
 City, State, ZIP: 32161 Avenida Los Amigos  
 San Juan Capistrano, CA 92675  
 PS Form 3800 RmN0901

7006 0100 0001 3382 1833

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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.98	

Sent To: Juaneno Band of Mission Indians  
 Alfred Cruz  
 Street, Apt. No. or PO Box No.: Cultural Resources Coordinator  
 P.O. Box 25628  
 City, State, ZIP: Santa Ana, CA 92799  
 PS Form 3800 RmN0901

7006 0100 0001 3362 1772

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Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.98
Postmark Here	
Sent To	Juaneno Band of Mission Indians Acjachemen Nation
Street, Apt. No., or PO Box No.	Joyce Perry
City, State, ZIP+4	4955 Paseo Segovia Irvine, CA 92612
PS Form 3800, June 2002	

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Total Postage	\$ 5.98
Postmark Here	
Sent To	Juaneno Band of Mission Indians
Street, Apt. No., or PO Box No.	Adolph 'Bud' Sepulveda
City, State, ZIP+4	Vice Chairperson P.O. Box 25828 Santa Ana, CA 92799
PS Form 3800, June 2002	

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.98
Postmark Here	
Sent To	Juaneno Band of Mission Indians
Street, Apt. No., or PO Box No.	Sonia Johnston
City, State, ZIP+4	Tribal Chairperson P.O. Box 25828 Santa Ana, CA 92799
PS Form 3800, June 2002	

RmN0901



## SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Juaneno Band of Mission Indians Acjachemen Nation  
David Belardes  
Chairperson  
32161 Avenida Los Amigos RmN0901  
San Juan Capistrano, CA 92675

## 2. Article Number

(Transfer from service label)

7006 0100 0001 3382 1789

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-11

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X *David Belardes* ☐ Agent ☐ Address

## B. Received by (Printed Name)

*David Belardes* C. Date of Delivery

D. Is delivery address different from Item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

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## 1. Article Addressed to:

Juaneno Band of Mission Indians  
Anita Espinoza  
1740 Concerto Drive  
Anaheim, CA 92807 RmN0901

## 2. Article Number

(Transfer from service label)

7006 0100 0001 3382 1796

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-11

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X *Anita Espinoza* ☐ Agent ☐ Address

## B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

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- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Juaneno Band of Mission Indians  
Alfred Cruz  
Cultural Resources Coordinator  
P.O. Box 25628  
Santa Ana, CA 92799 RmN0901

## 2. Article Number

7006 0100 0001 3382 1833

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X *Alfred Cruz* ☒ Agent ☐ Address

## B. Received by (Printed Name)

*Alfred Cruz* C. Date of Delivery

D. Is delivery address different from Item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

United Coalition to Protect Panhe (UCPP)  
Rebecca Robles  
119 Avenida San Fernando  
San Clemente, CA 92672

RmN0901

2. Article Number

(Transfer from service label)

7006 0100 0001 3382 1802

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Rebecca Robles*☐ Agent  
☐ Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Juaneno Band of Mission Indians  
Adolph 'Bud' Sepulveda  
Vice Chairperson  
P.O. Box 25828  
Santa Ana, CA 92799

RmN0901

2. Article Number

(Transfer from service label)

7006 0100 0001 3382 1826

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Adolph 'Bud' Sepulveda*☒ Agent  
☐ Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

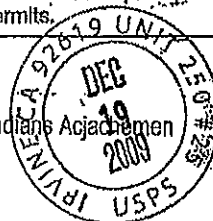
☐ Yes

# SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Juaneno Band of Mission Indians Acjachemen Nation  
Joyce Perry  
4955 Paseo Segovia  
Irvine, CA 92612



2. Article Number  
(Transfer from service label)

# COMPLETE THIS SECTION ON DELIVERY

- A. Signature *Joyce Perry* ☒ Agent ☐ Address
- B. Received by (Printed Name) *Joyce Perry* C. Date of Delivery *12/19/03*
- D. Is delivery address different from Item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchand  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

# SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Juaneno Band of Mission Indians  
Sonia Johnston  
Tribal Chairperson  
P.O. Box 25628  
Santa Ana, CA 92799

*RmN0901*

2. Article Number  
(Transfer from service label)

# COMPLETE THIS SECTION ON DELIVERY

- A. Signature *Alfred Cruz* ☒ Agent ☐ Address
- B. Received by (Printed Name) *Alfred Cruz* C. Date of Delivery *12/11*
- D. Is delivery address different from Item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchand  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

**Terri Fulton**

---

**From:** Terri Fulton  
**Sent:** Thursday, January 21, 2010 2:14 PM  
**To:** rebrobes1@gmail.com  
**Cc:** Terri Fulton  
**Subject:** I-5 HOV Extension Project  
**Attachments:** Figure1.pdf

Hi Rebecca,

Here is the text of the letter we just spoke about (pasted below my signature). A map of the project area is also attached. Please let me know if you have any information about cultural resources that could be impacted by this project. Thanks for your help.

Best,

Terri Fulton  
Archaeologist/Senior Cultural Resources Manager  
Native American Consultation

LSA Associates, Inc.  
20 Executive Park, Suite 200  
Irvine, CA 92614-4731  
Phone (949) 553-0666  
Fax (949) 553-8076  
Wireless (949) 337-5454

December 7, 2009

United Coalition to Protect Panhe (UCPP)  
Rebecca Robles  
119 Avenida San Fernando  
San Clemente, CA 92672

**Subject:** Native American Consultation for the Proposed I-5 HOV Lane Extension Project, Cities of Dana Point, San Clemente, and San Juan Capistrano, Orange County, California

Dear Ms. Robles:

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), the City of Dana Point, the City of San Clemente, and the City of San Juan Capistrano, is proposing to widen Interstate 5 (I-5) between Avenida Pico and San Juan Creek Road. The project objectives are to provide continuity of the I-5 mainline high-occupancy vehicle (HOV) lane network within the project limits; maximize overall performance within the project limits by minimizing weaving conflicts at the termini of the HOV lanes and maintaining travel speeds for HOV lane users; provide intermittent auxiliary lanes, where needed, to relieve congestion at diverge and merge locations; minimize right-of-way acquisition; relieve congestion within interchange areas, on- and off-ramps, and local intersections; and reduce congestion on I-5 within the project limits. The project limits on I-5 extend from 0.1 mile (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.3) to 0.1 mi south of the San Juan Creek Road UC (PM 8.7). The proposed project will add one HOV lane in each direction on I-5 throughout the project limits, reestablish existing auxiliary lanes and construct new auxiliary lanes, and improve several existing on- and off-ramps. A map of the project area is attached.

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that federal undertakings such as this consider the effect they may have on historic properties. These include properties of traditional religious and cultural significance to Indian tribes. Government-to-government relationships, as required by federal law,

include the identification of an individual designated by an Indian Tribe for the purposes of consultation. If you are not the designated representative, please forward this information to the person who is responsible. Additionally, for the purposes of future consultation, please inform me who will handle consultation for your tribe.

To determine whether any historic properties may be affected by the project, LSA has conducted a records search at the South Central Coastal Information Center located at California State University, Fullerton. The results of the records search indicate there are 5 prehistoric archaeological sites within the project area, and 13 prehistoric archaeological sites within a 0.25 mi radius of the project area.

LSA also requested that a Sacred Lands File Search (SLF) be conducted by the Native American Heritage Commission (NAHC). The results of the SLF **did indicate** the presence of Native American cultural resources within a 0.5 mi radius of portions of the project area. The NAHC also provided your contact information as someone who may have information about cultural resources that could be impacted by the project.

If you know of any cultural resources that may be of religious and/or cultural significance to your community, or if you would like more information, please do not hesitate to contact me at the above telephone number or address, or by e-mail at [terri.fulton@lsa-assoc.com](mailto:terri.fulton@lsa-assoc.com). If I do not receive a response from you, I will contact you by telephone to discuss any comments or concerns you may have. Thank you for your time and involvement in this process.

Respectfully,

**LSA ASSOCIATES, INC.**

Terri Fulton  
Archaeologist/Senior Cultural Resources Manager  
Native American Consultation

Attachment: USGS Maps

**ATTACHMENT F: RECORDS SEARCH RESULTS LETTER/HISTORIC CONSULTATION**

**South Central Coastal Information Center**

California State University, Fullerton  
Department of Anthropology MH-426  
800 North State College Boulevard  
Fullerton, CA 92834-6846  
657.278.5395 / FAX 657.278.5542  
anthro.fullerton.edu/sccic.html - [sccic@fullerton.edu](mailto:sccic@fullerton.edu)  
*California Historical Resources Information System  
Orange, Los Angeles, and Ventura Counties*

---

October 21, 2009

SCCIC #9926.6845

Ms. Terri Fulton  
LSA Associates, Inc.  
20 Executive Park, Suite 200  
Irvine, CA 92614  
949.553.0666

LSA  
LSA ASSOCIATES, INC

OCT 23 2009

RECEIVED  
IRVINE

RE: Records Search for I-5 HOV Extension Project, LSA Job Number RMN0901

Dear Ms. Fulton,

As per your request received on October 19, 2009, an expedited records search was conducted for the above referenced project. The search includes a review of all recorded archaeological sites within a 1/4-mile radius of the project site as well as a review of cultural resource reports on file. In addition, the California Points of Historical Interest (PHI), the California Historical Landmarks (CHL), the California Register of Historical Resources (CR), the National Register of Historic Places (NR), and the California State Historic Resources Inventory (HRI) listings were reviewed for the above referenced project. The following is a discussion of the findings.

**Dana Point and San Clemente, CA. USGS 7.5' Quadrangles**

**ARCHAEOLOGICAL RESOURCES:**

Thirteen archaeological sites (30000021, 30-000188, 30-000549, 30-000599, 30-000835\*, 30-000836\*, 30-000837\*, 30-000838\*, 30-000903, 30-000924, 30-001107\*, 30-001258, and 30-001579) have been identified within a 1/4-mile radius of the project site. Five archaeological sites are located within the project site. One site is listed on the Archaeological Determination of Eligibility (DOE) list. Four isolates (30-100114\*, 30-100115\*, 30-100159, and 30-100160) have been identified within a 1/4-mile radius of the project site. One isolate is located within the project site.  
(\* = Located within the project site)

**HISTORIC RESOURCES:**

Four additional cultural resources (30-176486\*, 30-176663\*, 30-176664\*, and 30-176700) have been identified within a 1/4-mile radius of the project site. Three cultural resources are located within the project site.  
(\* = Located within the project site)

Copies of our historic maps – San Juan Capistrano (1942) 15' USGS - are enclosed for your review.

The California Point of Historical Interest of the Office of Historic Preservation, Department of Parks and Recreation, lists no properties within a ¼-mile radius of the project site.

The California Historical Landmarks of the Office of Historic Preservation, Department of Parks and Recreation, lists no properties within a ¼-mile radius of the project site.

The California Register of Historic Places lists one property within a ¼-mile radius of the project site (see enclosed HRI list for property marked with a +). This property is determined to have a National Register of Historic Places Status of 1 or 2, a California Historical Landmark numbering 770 and higher, or a Point of Historical Interest listed after 1/1/1998.

The National Register of Historic Places lists one property within a ¼-mile radius of the project site (see enclosed HRI list for property marked with an \*).

The California Historic Resources Inventory lists 45 properties that have been evaluated for historical significance within a ¼-mile radius of the project site (see enclosed list).

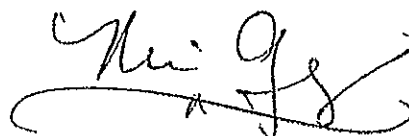
#### **PREVIOUS CULTURAL RESOURCES INVESTIGATIONS:**

Eighty-two studies (OR102, OR115, OR120, OR186, OR239, OR248\*, OR279, OR288, OR329, OR378, OR467\*, OR525, OR535\*, OR536\*, OR577\*, OR610, OR625, OR636\*, OR670, OR674, OR685\*, OR833, OR892, OR912\*, OR915, OR941\*, OR951, OR958\*, OR979\*, OR995\*, OR1090\*, OR1113, OR1165, OR1178\*, OR1204\*, OR1215, OR1227, OR1260, OR1261, OR1298, OR1322, OR1336, OR1459\*, OR1506, OR1602\*, OR1603\*, OR1683, OR1684, OR1695, OR1726\*, OR1735\*, OR1819\*, OR1820\*, OR1869, OR1915\*, OR1955\*, OR2011, OR2054\*, OR2055\*, OR2093, OR2215\*, OR2317\*, OR2454, OR2527, OR2566\*, OR2871, OR2873, OR2877\*, OR2921, OR2922\*, OR2923\*, OR3271, OR3295\*, OR3333\*, OR3367, OR3373, OR3390\*, OR3473, OR3495\*, OR3640, OR3689\*, and OR3690) have been conducted within a ¼-mile radius of the project site. Of these, 37 are located within the project site. There are seven additional investigations located on the Dana Point and San Clemente, CA. 7.5' USGS Quadrangles that are potentially within a ¼-mile radius of the project site. These reports are not mapped due to insufficient locational information.  
(\* = Located within the project site)

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you **do not include** resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at 657.278.5395 Monday through Thursday 9:00 am to 3:30 pm.

Should you require any additional information for the above referenced project, reference the SCCIC number listed above when making inquiries. Requests made after initial invoicing will result in the preparation of a separate invoice.

Sincerely,  
SCCIC



Michelle Galaz  
Lead Staff Researcher



Enclosures:

- (X) Maps – 7.5' USGS Quadrangle, 15' USGS Quadrangle – 10 pages
- (X) Bibliography – 19 pages
- (X) Bibliography of Unmapped Reports – 2 pages
- (X) HRI – 7 pages
- (X) ADOE list – 1 page
- (X) National Register Status Codes – 1 page
- (X) Site Records – (30-000021, 30-000188, 30-000549, 30-000599, 30-000835\*, 30-000836\*, 30-000837\*, 30-000838\*, 30-000903, 30-000924, 30-001107\*, 30-001258, 30-001579, 30-100114\*, 30-100115\*, 30-100159, 30-100160, 30-176486\*, 30-176663\*, 30-176664\*, and 30-176700) – 58 pages
- (X) Confidentiality Form
- (X) Invoice #9926.6845



LSA ASSOCIATES, INC.  
1500 IOWA AVENUE, SUITE 200  
RIVERSIDE, CALIFORNIA 92507

951.781.9315 TEL  
951.781.4277 FAX

BERKELEY  
CARLSBAD  
COLMA

FORT COLLINS  
IRVINE  
PALM SPRINGS

POINT RICHMOND  
ROCKLIN  
SAN LUIS OBISPO

December 1, 2009

City of San Juan Capistrano  
Community Development Department, Planning Department  
32400 Paseo Adelanto  
San Juan Capistrano, California 92675  
Attn: Teri Delcamp, Historic Preservation Manager

Subject: Historic Consultation for the Interstate 5 High Occupancy Vehicle Lane Extension  
Project, Orange County, California (LSA Project No. RMN0901)

To Whom It May Concern:

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), the City of Dana Point, the City of San Clemente, and the City of San Juan Capistrano, is proposing to widen Interstate 5 (I-5) between San Juan Creek Road and Avenida Pico (see attached map). The project objectives are to provide continuity of the I-5 mainline High Occupancy Vehicle (HOV) network within the project limits; maximize overall performance within the project limits by minimizing weaving conflicts at the termini of the HOV lanes and maintaining travel speeds for HOV lane users; provide intermittent auxiliary lanes, where needed, to relieve congestion at diverge and merge locations; minimize right-of-way acquisition; relieve congestion within interchange areas, on- and off-ramps, and local intersections; and reduce congestion on I-5 within the project limits. The project limits on I-5 extend from 0.1 mile (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.3) to 0.1 mi south of the San Juan Creek Road UC (PM 8.7). The proposed project will add one HOV lane in each direction on I-5 throughout the project limits, reestablish existing auxiliary lanes and construct new auxiliary lanes, and improve several existing on- and off-ramps. Four alternatives, including the No Build Alternative, will be analyzed as part of the Draft Initial Study/Environmental Assessment (IS/EA).

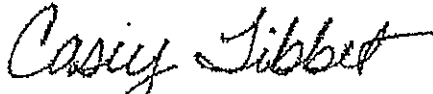
Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that federally regulated undertakings, such as this project, consider the effect they may have on historic properties. Evaluations are currently underway for historic resources. Pursuant to Section 36 CFR Part 800.3(e), LSA is soliciting your comments regarding any cultural resources that may exist within the project limits (see attached map). We are particularly interested in the Harrison House in San Juan Capistrano, the residential neighborhoods along Via California and Calle Portola in Dana Point, and the Shorecliffs golf course and residential area in San Clemente.

LSA ASSOCIATES, INC.

If you have any comments or would like additional information regarding the project, please contact me by December 16, 2009. I can be reached at the above address and telephone number or by email at Casey.Tibbet@lsa-assoc.com.

Sincerely,

LSA ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Casey Tibbet".

Casey Tibbet  
Cultural Resources Manager

Attachment: Map



LSA ASSOCIATES, INC.  
1500 IOWA AVENUE, SUITE 200  
RIVERSIDE, CALIFORNIA 92507

951.781.9310 TEL  
951.781.4277 FAX

BERKELEY  
CARLSBAD  
COLMA

FORT COLLINS  
IRVINE  
PALM SPRINGS

POINT RICHMOND  
ROCKLIN  
SAN LUIS OBISPO

December 1, 2009

San Juan Capistrano Historical Society  
31831 Los Rios Street  
San Juan Capistrano, California 92675

Subject: Historic Consultation for the Interstate 5 High Occupancy Vehicle Lane Extension  
Project, Orange County, California (LSA Project No. RMN0901)

To Whom It May Concern:

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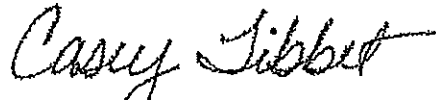
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LSA ASSOCIATES, INC.

If you have any comments or would like additional information regarding the project, please contact me by December 16, 2009. I can be reached at the above address and telephone number or by email at Casey.Tibbet@lsa-assoc.com.

Sincerely,

LSA ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Casey Tibbet".

Casey Tibbet  
Cultural Resources Manager

Attachment: Map



LSA ASSOCIATES, INC.  
1500 IOWA AVENUE, SUITE 200  
RIVERSIDE, CALIFORNIA 92507

951.781.9310 TEL  
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BERKELEY  
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PALM SPRINGS

POINT RICHMOND  
ROCKLIN  
SAN LUIS OBISPO

December 1, 2009

San Clemente Historical Society  
Post Office Box 283  
San Clemente, California 92674  
Attn: Raad Ghantous, Preservation Chair

Subject: Historic Consultation for the Interstate 5 High Occupancy Vehicle Lane Extension  
Project, Orange County, California (LSA Project No. RMN0901)

To Whom It May Concern:

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), the City of Dana Point, the City of San Clemente, and the City of San Juan Capistrano, is proposing to widen Interstate 5 (I-5) between San Juan Creek Road and Avenida Pico (see attached map). The project objectives are to provide continuity of the I-5 mainline High Occupancy Vehicle (HOV) network within the project limits; maximize overall performance within the project limits by minimizing weaving conflicts at the termini of the HOV lanes and maintaining travel speeds for HOV lane users; provide intermittent auxiliary lanes, where needed, to relieve congestion at diverge and merge locations; minimize right-of-way acquisition; relieve congestion within interchange areas, on- and off-ramps, and local intersections; and reduce congestion on I-5 within the project limits. The project limits on I-5 extend from 0.1 mile (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.3) to 0.1 mi south of the San Juan Creek Road UC (PM 8.7). The proposed project will add one HOV lane in each direction on I-5 throughout the project limits, reestablish existing auxiliary lanes and construct new auxiliary lanes, and improve several existing on- and off-ramps. Four alternatives, including the No Build Alternative, will be analyzed as part of the Draft Initial Study/Environmental Assessment (IS/EA).

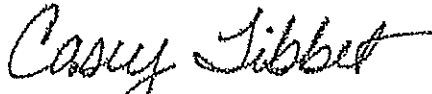
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LSA ASSOCIATES, INC.

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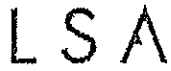
Sincerely,

LSA ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Casey Tibbet".

Casey Tibbet  
Cultural Resources Manager

Attachment: Map



LSA ASSOCIATES, INC.  
1500 IOWA AVENUE, SUITE 200  
RIVERSIDE, CALIFORNIA 92507

951.781.9310 TEL  
951.781.4277 FAX

BERKELEY  
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FORT COLLINS  
IRVINE  
PALM SPRINGS

POINT RICHMOND  
ROCKLIN  
SAN LUIS OBISPO

December 1, 2009

Dana Point Historical Society  
Post Office Box 544  
Dana Point, California 92629  
Attn: Carlos Olvera, President

Subject: Historic Consultation for the Interstate 5 High Occupancy Vehicle Lane Extension Project, Orange County, California (LSA Project No. RMN0901)

To Whom It May Concern:

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), the City of Dana Point, the City of San Clemente, and the City of San Juan Capistrano, is proposing to widen Interstate 5 (I-5) between San Juan Creek Road and Avenida Pico (see attached map). The project objectives are to provide continuity of the I-5 mainline High Occupancy Vehicle (HOV) network within the project limits; maximize overall performance within the project limits by minimizing weaving conflicts at the termini of the HOV lanes and maintaining travel speeds for HOV lane users; provide intermittent auxiliary lanes, where needed, to relieve congestion at diverge and merge locations; minimize right-of-way acquisition; relieve congestion within interchange areas, on- and off-ramps, and local intersections; and reduce congestion on I-5 within the project limits. The project limits on I-5 extend from 0.1 mile (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.3) to 0.1 mi south of the San Juan Creek Road UC (PM 8.7). The proposed project will add one HOV lane in each direction on I-5 throughout the project limits, reestablish existing auxiliary lanes and construct new auxiliary lanes, and improve several existing on- and off-ramps. Four alternatives, including the No Build Alternative, will be analyzed as part of the Draft Initial Study/Environmental Assessment (IS/EA).

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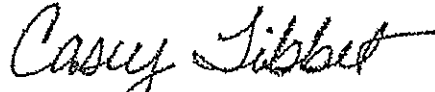


LSA ASSOCIATES, INC.

If you have any comments or would like additional information regarding the project, please contact me by December 16, 2009. I can be reached at the above address and telephone number or by email at Casey.Tibbet@lsa-assoc.com.

Sincerely,

LSA ASSOCIATES, INC.

A handwritten signature in black ink that reads "Casey Tibbet". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Casey Tibbet  
Cultural Resources Manager

Attachment: Map



LSA ASSOCIATES, INC.  
1500 IOWA AVENUE, SUITE 200  
RIVERSIDE, CALIFORNIA 92507

951.781.9310 TEL  
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BERKELEY  
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FOXY COLLINS  
IRVINE  
PALM SPRINGS

POINT RICHMOND  
ROCKLIN  
SAN LUIS OBISPO

December 1, 2009

Orange County Historical Society  
Post Office Box 10984  
Santa Ana, California 92711  
Attn: Greg Rankin, President

Subject: Historic Consultation for the Interstate 5 High Occupancy Vehicle Lane Extension  
Project, Orange County, California (LSA Project No. RMN0901)

To Whom It May Concern:

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), the City of Dana Point, the City of San Clemente, and the City of San Juan Capistrano, is proposing to widen Interstate 5 (I-5) between San Juan Creek Road and Avenida Pico (see attached map). The project objectives are to provide continuity of the I-5 mainline High Occupancy Vehicle (HOV) network within the project limits; maximize overall performance within the project limits by minimizing weaving conflicts at the termini of the HOV lanes and maintaining travel speeds for HOV lane users; provide intermittent auxiliary lanes, where needed, to relieve congestion at diverge and merge locations; minimize right-of-way acquisition; relieve congestion within interchange areas, on- and off-ramps, and local intersections; and reduce congestion on I-5 within the project limits. The project limits on I-5 extend from 0.1 mile (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.3) to 0.1 mi south of the San Juan Creek Road UC (PM 8.7). The proposed project will add one HOV lane in each direction on I-5 throughout the project limits, reestablish existing auxiliary lanes and construct new auxiliary lanes, and improve several existing on- and off-ramps. Four alternatives, including the No Build Alternative, will be analyzed as part of the Draft Initial Study/Environmental Assessment (IS/EA).

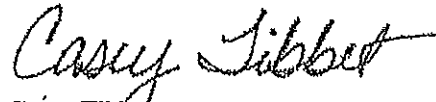
Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that federally regulated undertakings, such as this project, consider the effect they may have on historic properties. Evaluations are currently underway for historic resources. Pursuant to Section 36 CFR Part 800.3(e), LSA is soliciting your comments regarding any cultural resources that may exist within the project limits (see attached map). We are particularly interested in the Harrison House in San Juan Capistrano, the residential neighborhoods along Via California and Calle Portola in Dana Point, and the Shorecliffs golf course and residential area in San Clemente.

LSA ASSOCIATES, INC.

If you have any comments or would like additional information regarding the project, please contact me by December 16, 2009. I can be reached at the above address and telephone number or by email at Casey.Tibbet@lsa-assoc.com.

Sincerely,

LSA ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Casey Tibbet".

Casey Tibbet  
Cultural Resources Manager

Attachment: . Map



LSA ASSOCIATES, INC.  
1500 IOWA AVENUE, SUITE 200  
RIVERSIDE, CALIFORNIA 92507

951.781.9310 TEL  
951.781.4277 FAX

BERKELEY  
CARLEBAD  
COLMA

FORT COLLINS  
IRVINE  
PALM SPRINGS

POINT RICHMOND  
ROCKLIN  
SAN LUIS OBISPO

December 1, 2009

Orange County Historical Commission  
211 West Santa Ana Boulevard  
Santa Ana, California 92701  
Attn: Griselda Castillo

Subject: Historic Consultation for the Interstate 5 High Occupancy Vehicle Lane Extension  
Project, Orange County, California (LSA Project No. RMN0901)

To Whom It May Concern:

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), the City of Dana Point, the City of San Clemente, and the City of San Juan Capistrano, is proposing to widen Interstate 5 (I-5) between San Juan Creek Road and Avenida Pico (see attached map). The project objectives are to provide continuity of the I-5 mainline High Occupancy Vehicle (HOV) network within the project limits; maximize overall performance within the project limits by minimizing weaving conflicts at the termini of the HOV lanes and maintaining travel speeds for HOV lane users; provide intermittent auxiliary lanes, where needed, to relieve congestion at diverge and merge locations; minimize right-of-way acquisition; relieve congestion within interchange areas, on- and off-ramps, and local intersections; and reduce congestion on I-5 within the project limits. The project limits on I-5 extend from 0.1 mile (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.3) to 0.1 mi south of the San Juan Creek Road UC (PM 8.7). The proposed project will add one HOV lane in each direction on I-5 throughout the project limits, reestablish existing auxiliary lanes and construct new auxiliary lanes, and improve several existing on- and off-ramps. Four alternatives, including the No Build Alternative, will be analyzed as part of the Draft Initial Study/Environmental Assessment (IS/EA).

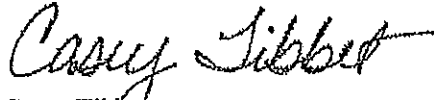
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Sincerely,

LSA ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Casey Tibbet". The signature is written in dark ink and is positioned above the printed name and title.

Casey Tibbet  
Cultural Resources Manager

Attachment: Map



LSA ASSOCIATES, INC.  
1500 IOWA AVENUE, SUITE 200  
RIVERSIDE, CALIFORNIA 92507

951.781.9310 TEL  
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BERKELEY  
CARLSBAD  
COLMA

FORT COLLINS  
IRVINE  
PALM SPRINGS

POINT RICHMOND  
ROCKLIN  
SAN LUIS OBISPO

December 1, 2009

City of San Clemente  
Community Development Department, Planning Department  
910 Calle Negocio, Suite 100  
San Clemente, California 92673-6247  
Attn: Jennifer Gates, Associate Planner

Subject: Historic Consultation for the Interstate 5 High Occupancy Vehicle Lane Extension  
Project, Orange County, California (LSA Project No. RMN0901)

To Whom It May Concern:

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), the City of Dana Point, the City of San Clemente, and the City of San Juan Capistrano, is proposing to widen Interstate 5 (I-5) between San Juan Creek Road and Avenida Pico (see attached map). The project objectives are to provide continuity of the I-5 mainline High Occupancy Vehicle (HOV) network within the project limits; maximize overall performance within the project limits by minimizing weaving conflicts at the termini of the HOV lanes and maintaining travel speeds for HOV lane users; provide intermittent auxiliary lanes, where needed, to relieve congestion at diverge and merge locations; minimize right-of-way acquisition; relieve congestion within interchange areas, on- and off-ramps, and local intersections; and reduce congestion on I-5 within the project limits. The project limits on I-5 extend from 0.1 mile (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.3) to 0.1 mi south of the San Juan Creek Road UC (PM 8.7). The proposed project will add one HOV lane in each direction on I-5 throughout the project limits, reestablish existing auxiliary lanes and construct new auxiliary lanes, and improve several existing on- and off-ramps. Four alternatives, including the No Build Alternative, will be analyzed as part of the Draft Initial Study/Environmental Assessment (IS/EA).

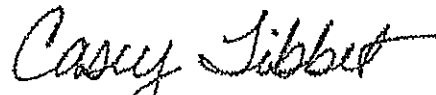
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LSA ASSOCIATES, INC.

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Sincerely,

LSA ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Casey Tibbet".

Casey Tibbet  
Cultural Resources Manager

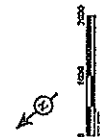
Attachment: Map



MAP 2



LEGEND  
[Symbol] ASB-104 #700001 ELEV 10



FS HOV Extension  
Area of Potential Effects  
EAF OFS800

SOURCE: Map (04/2005); MIF (02/2005); EAF (02/2005)  
BUREAU OF LAND MANAGEMENT (11/4/2005)



Hi Evan,

Page 1 of 2

**From:** EVAN LANGAN [ELANGAN@DanaPoint.org]

**Sent:** Wednesday, December 16, 2009 2:29 PM

**To:** Casey Tibbet

**Subject:** RE: Historic Resources Register

Good Afternoon Mr. Tibbet,

Records indicate "34262 Via Velez" as being listed on the City's (circa 1997) Historic Inventory, and that the property was subsequently added to the Historic Registry (formally recognized as a "local historic resource" by the City at the request of the property owner). No other addresses from your list are cited within the inventory, and so at present, are not eligible for listing on the Registry.

The City has no designated historic districts, and accordingly, no such maps exist.

**Evan Langan, AICP**

***Associate Planner***

**City of Dana Point, Planning Division**

**33282 Golden Lantern**

**Dana Point, CA 92629**

**949-248-3591**

---

**From:** Casey Tibbet [mailto:casey.tibbet@lsa-assoc.com]

**Sent:** Wednesday, December 16, 2009 1:06 PM

**To:** EVAN LANGAN

**Subject:** Historic Resources Register

Hi Evan,

I am in the process of preparing a cultural resources report related to the I-5 HOV expansion project which runs through a portion of Dana Point. I am hoping that you can tell me whether or not any of the following properties are listed on the City's Historic Resources Register:

12328253	34522	Calle Portola
12328252	34532	Calle Portola
12328249	34542	Calle Portola
69120202	26981	Avenida Las Palmas
12331211	34575	Calle Portola
12331216	34591	Calle Portola
12331256	34621	Calle Portola
12316243	34283	Via Lopez
12316237	34285	Via Lopez
12316240	34295	Via Lopez

Hi Evan,

Page 2 of 2

12318201      26601   Via California

12317221      26375   Via Canon

12316239      34301   Via Lopez

12318317      34262   Via Velez

Also, I would like to know if the City has any designated historic districts and if maps of those districts are available.

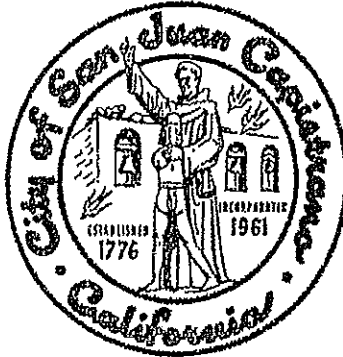
Thank you very much for your assistance,

*Casey Tibbet, M.A.*

Senior Architectural Historian/Historian

LSA Associates, Inc.  
1500 Iowa Avenue, Suite 200  
Riverside, CA 92507  
951-781-9310  
951-781-4277 (fax)

32400 PASEO ADELANTO  
SAN JUAN CAPISTRANO, CA 92675  
(949) 493-1171  
(949) 493-1053 FAX  
[www.sanjuancapistrano.org](http://www.sanjuancapistrano.org)



MEMBERS OF THE CITY COUNCIL

SAM ALLEVATO  
LAURA FREESB  
THOMAS W. HIRSH  
MARK NIELSEN  
DR. LONDRES USO

December 16, 2009

Casey Tibbet  
LSA Cultural Resources Manager  
1500 Iowa Avenue, Suite 200  
Riverside, CA 92507

Subject: Historic Consultation for the Interstate 5 HOV Lane Extension Project

Dear Ms. Tibbet:

Thank you for your letter dated December 1, 2009, soliciting comments on the above project. The Area of Potential Effects (APE) does appear to have the possibility of affecting what I believe your letter referred to as the Harrison House. The property is locally designated as the Pablo Pryor Adobe/Hide House and is addressed as 33751 Camino Capistrano (APN 121-254-04). (Another property east on Ortega Highway is the National Register-listed Harrison House so I wanted to be sure we avoid any confusion.)

This property was designated locally a long time ago, and no detailed historic report about the property has ever been completed, and no determination of eligibility for the National Register of Historic places has been formally completed to my knowledge. The above project's historic resources evaluation should assess the property's potential eligibility for the National Register, and if determined eligible, should assess potential adverse impacts that may result from the proposed project.

The Juaneño Band of Mission Indians, Acjachemen Nation, should be consulted with regard to the potential for affecting possible Native American cultural resources.

Should you have any questions, please don't hesitate to contact me at 949-443-6330 or by Email at [tdelcamp@sanjuancapistrano.org](mailto:tdelcamp@sanjuancapistrano.org). City Hall will be closed for the holidays and a furlough until January 4, 2010.

Sincerely,

Teri Delcamp  
Historic Preservation Manager

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



November 10, 2010

In Reply Refer To: FHWA101012A

Chris Flynn  
Department of Transportation  
District 12  
3347 Michelson Drive, Suite 100  
Irvine, CA 92612-1692

Re: Determination of National Register of Historic Places Eligibility and Subsequent Finding of No Historic Properties Affected for Proposed Widening and Addition of HOV Lanes on I-5 between Avenida Pico and San Juan Creek Road

Dear Mr. Flynn:

Thank you for seeking my consultation regarding the above noted undertaking in accordance with the *Programmatic Agreement (PA) Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California*. Pursuant to Stipulation VIII of the PA, the California Department of Transportation (Caltrans) has determined the Area of Potential Effects (APE) and has completed identification and evaluation of historic properties within the APE. You are requesting my concurrence, pursuant to Stipulation VIII.C.5 of the PA, on your determination of eligibility, for the National Register of Historic Places (NRHP), of 16 historic properties identified within the APE. Caltrans is also requesting concurrence of the absence of four archaeological sites previously recorded within the APE. In addition to your letter of October 5, 2010, you have submitted the following documents in support of this undertaking:

- *Historic Property Survey Report District 12, Orange County, I-5, PM 3.0/8.7, EA OF9600* (Casey Tibbet, LSA Associates, September 2010)

As documented in the reports noted above, Caltrans has identified archeological sites as being located on Information Center maps within the project APE. Sites CA-ORA-835, -836, 837, and -838 were all originally located in 1957 by Dr. William J. Wallace. This has resulted in likely inaccuracy in GIS plotting of the sites. Caltrans has made a reasonable attempt to relocate these sites within their plotted locations and none could be relocated within the APE. The plotted locations of two of these sites has been completely graded and developed, disturbing any sites if present.

Caltrans has also determined that 16 architectural properties within the APE are not eligible for the National Register of Historic Places. The 16 properties are: 26601 Via

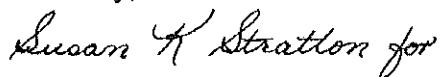
California, 26375 Via Canon, 34283 Via Lopez, 34285 Via Lopez, 34295 Via Lopez, 34301 Via Lopez, 34262 Via Velez, 34522 Calle Portola, 34532 Calle Portola, 34542 Calle Portola, 26981 Avenida Las Palmas, 34575 Calle Portola, 34591 Calle Portola, 34621 Calle Portola, 420 Calle Vista Torito, and 529 Avenida Pico.

The NRHP eligibility determinations that Caltrans is requesting my concurrence on are not eligible for the 16 architectural properties and comments regarding the absence of four archaeological sites within the APE; therefore Caltrans has determined a finding of No Historic Properties Affected is appropriate for this undertaking, the I-5 HOV Extension Project in the Cities of Dana Point, San Clemente, and San Juan Capistrano. Based on my review of your letter and supporting documentation, I have the following comments:

- 1) I concur that CA-ORA-835, -836, -837, and -838 could not be located within the APE and may have been destroyed by development.
- 2) I further concur that the 16 architectural properties mentioned above are not eligible for the National Register of Historic Places.
- 3) Therefore, I concur with your finding of No Historic Properties Affected for the proposed widening of I-5 between Post Miles 3.0 and 8.7 in Orange County.

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, Caltrans may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and considering historic properties as part of your project planning. If you require further information, please contact Trevor Pratt or Natalie Lindquist of my staff, at phone 916-445-7017 or 916-445-7014 or email [tpratt@parks.ca.gov](mailto:tpratt@parks.ca.gov) or [nlindquist@parks.ca.gov](mailto:nlindquist@parks.ca.gov).

Sincerely,

Handwritten signature of Susan A. Stratton in cursive script.

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer

## APPENDIX B WILDLIFE SPECIES DETECTED

This is a list of the conspicuous aerial insects (i.e., damselflies, dragonflies, and butterflies), reptiles, birds, and mammals observed or otherwise detected by consultant biologists during surveys conducted from October 2009 through January 2010. Presence may be noted if a species is seen or heard, or identified by the presence of tracks, scat, or other signs.

\* Species not native to the study area

### ANISOPTERA

#### Aeshnidae

*Rhionaeschna multicolor*

#### Libellulidae

*Sympetrum corruptum*

*Pantala flavescens*

### LEPIDOPTERA

#### Pieridae

\* *Pieris rapae*

*Anthocharis sara*

#### Lycaenidae

*Brachydium exilis*

#### Nymphalidae

*Nymphalis antiopa*

*Vanessa cardui*

#### Hesperiidae

*Pyrgus albescens/communis*

### AMPHIBIA

#### Hylidae

*Pseudacris hypochondriaca*

### TYPICAL DRAGONFLIES

#### Darners

Blue-eyed darter

#### Skimmers

Variegated meadowhawk

Wandering glider

### BUTTERFLIES

#### Whites and Sulphurs

Cabbage white

Sara orangetip

#### Gossamer-Wing Butterflies

Western pygmy-blue

#### Brush-Footed Butterflies

Mourning cloak

Painted lady

#### Skippers

White/common checkered-skipper

### AMPHIBIANS

#### Treefrogs and Relatives

Baja California treefrog

## REPTILIA

### Phrynosomatidae

*Sceloporus occidentalis*

## AVES

### Pelecanidae

*Pelecanus occidentalis*

### Ardeidae

*Ardea alba*

*Egretta thula*

### Cathartidae

*Cathartes aura*

### Accipitridae

*Pandion haliaetus*

*Accipiter cooperii*

*Buteo lineatus*

*Buteo jamaicensis*

### Falconidae

*Falco sparverius*

### Charadriidae

*Charadrius vociferus*

### Laridae

*Larus occidentalis*

*Larus californicus*

*Larus argentatus*

### Columbidae

\* *Columba livia*

*Zenaida macroura*

### Cuculidae

*Geococcyx californianus*

### Trochilidae

*Calypte anna*

*Calypte costae*

*Selasphorus rufus/sasin*

## REPTILES

### Phrynosomatid Lizards

Western fence lizard

## BIRDS

### Pelicans

Brown pelican

### Hérons, Bitterns, and Allies

Great egret

Snowy egret

### New World Vultures

Turkey vulture

### Hawks, Kites, Eagles, and Allies

Osprey

Cooper's hawk

Red-shouldered hawk

Red-tailed hawk

### Caracaras and Falcons

American kestrel

### Plovers and Lapwings

Killdeer

### Gulls, Terns, and Skimmers

Western gull

California gull

Herring gull

### Pigeons and Doves

Rock pigeon

Mourning dove

### Cuckoos, Roadrunners, and Anis

Greater roadrunner

### Hummingbirds

Anna's hummingbird

Costa's hummingbird

Rufous/Allen's hummingbird

**Picidae***Picoides nuttallii***Tyrannidae***Sayornis nigricans**Sayornis saya**Tyrannus vociferans***Vireonidae***Vireo huttoni***Corvidae***Aphelocoma californica**Corvus brachyrhynchos***Aegithalidae***Psaltiriparus minimus***Troglodytidae***Thryomanes bewickii**Troglodytes aedon***Regulidae***Regulus calendula***Sylviidae***Poliophtila caerulea**Poliophtila californica californica***Turdidae***Sialia mexicana**Catharus guttatus***Timaliidae***Chamaea fasciata***Mimidae***Mimus polyglottos**Toxostoma redivivum***Sturnidae**\* *Sturnus vulgaris***Motacillidae***Anthus rubescens***Woodpeckers and Allies**

Nuttall's woodpecker

**Tyrant Flycatchers**

Black phoebe

Say's phoebe

Cassin's kingbird

**Vireos**

Hutton's vireo

**Crows and Jays**

Western scrub-jay

American crow

**Long-Tailed Tits and Bushtits**

Bushtit

**Wrens**

Bewick's wren

House wren

**Kinglets**

Ruby-crowned kinglet

**Old World Warblers and Gnatcatchers**

Blue-gray gnatcatcher

Coastal California gnatcatcher

**Thrushes**

Western bluebird

Hermit thrush

**Babblers**

Wrentit

**Mockingbirds and Thrashers**

Northern mockingbird

California thrasher

**Starlings**

European starling

**Wagtails and Pipits**

American pipit



**Ptiligonatidae**

*Phainopepla nitens*

**Parulidae**

*Vermivora celata*  
*Dendroica coronata*  
*Dendroica townsendi*  
*Geothlypis trichas*

**Emberizidae**

*Pipilo maculatus*  
*Pipilo crissalis*  
*Melospiza melodia*  
*Melospiza lincolni*  
*Zonotrichia leucophrys*  
*Zonotrichia atricapilla*

**Fringillidae**

*Carpodacus mexicanus*  
*Spinus psaltria*

**Passeridae**

\* *Passer domesticus*

**MAMMALIA****Sciuridae**

*Spermophilus beecheyi*

**Geomyidae**

*Thomomys bottae*

**Cricetidae**

*Neotoma lepida*

**Leporidae**

*Sylvilagus audubonii*

**Canidae**

*Canis latrans*

**Mephitidae**

*Mephitis mephitis*

**Silky-flycatchers**

*Phainopepla*

**Wood Warblers**

Orange-crowned warbler  
Yellow-rumped warbler  
Townsend's warbler  
Common yellowthroat

**Emberizids**

Spotted towhee  
California towhee  
Song sparrow  
Lincoln's sparrow  
White-crowned sparrow  
Golden-crowned sparrow

**Fringilline and Cardueline Finches and Allies**

House finch  
Lesser goldfinch

**Old World Sparrows**

House sparrow

**MAMMALS****Squirrels, Chipmunks, and Marmots**

California ground squirrel

**Pocket Gophers**

Botta's pocket gopher

**Hamsters, Voles, Lemmings, and New World Rats and Mice**

Desert woodrat

**Rabbits and Hares**

Audubon's cottontail

**Foxes, Wolves, and Allies**

Coyote

**Skunks**

Striped skunk

**Procyonidae**  
*Procyon lotor*

**Raccoons and Allies**  
Raccoon

**Cervidae**  
*Odocoileus hemionus*

**Deer, Elk, and Allies**  
Mule deer

**Taxonomy and nomenclature are based on the following.**

Damselflies and dragonflies: Paulson, D. (2009, Dragonflies and Damselflies of the West, Princeton University Press, Princeton, New Jersey).

Butterflies: North American Butterfly Association (2001, NABA checklist and English Names of North American Butterflies, Second Edition, North American Butterfly Association, Morristown, New Jersey; see <http://www.naba.org/pubs/checklst.html>).

Amphibians and reptiles: Crother, B.I. ed. (2008, Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico. *Herpetological Circular* 37) for species taxonomy and nomenclature; Stebbins, R.C. (2003, A Field Guide to Western Reptiles and Amphibians, third edition, Houghton Mifflin, Boston) for sequence and higher order taxonomy.

Birds: American Ornithologists' Union (1998, The A.O.U. Checklist of North American Birds, Seventh Edition, American Ornithologists' Union, Washington D.C.; and supplements; see <http://www.aou.org/checklist/north/index.php>).

Mammals: Wilson, D.E., and D.M. Reeder, eds. (2005, Mammal Species of the World, 3rd ed., Johns Hopkins University Press, Baltimore, Maryland; see <http://vertebrates.si.edu/mammals/msw/>).



LSA ASSOCIATES, INC.  
20 EXECUTIVE PARK, SUITE 200  
IRVINE, CALIFORNIA 92614

949.553.0666 TEL  
949.553.8076 FAX

BERKELEY  
CARLSBAD  
FORT COLLINS

FRESNO  
PALM SPRINGS  
POINT RICHMOND

RIVERSIDE  
ROCKLIN  
SAN LUIS OBISPO  
SOUTH SAN FRANCISCO

February 3, 2010

Sandra Marquez  
United States Fish and Wildlife Service  
Carlsbad Field Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, CA 92011

Lyann Comrack  
Nongame Wildlife Program  
California Department of Fish and Game  
1812 Ninth Street  
Sacramento, CA 95811

Subject: Coastal California Gnatcatcher Winter Survey Results: Interstate-5 High Occupancy Vehicle (HOV) Lane Extension Project, October 2009–January 2010

Dear Ms. Marquez and Ms. Comrack:

This letter report documents the results of protocol non-breeding season surveys for the coastal California gnatcatcher (*Poliophtila californica californica*) conducted by LSA Associates, Inc. (LSA). Surveys were conducted for the proposed Interstate-5 (I-5) High Occupancy Vehicle (HOV) Lane Extension project in the Cities of San Clemente, Dana Point, and San Juan Capistrano, Orange County, California (Figures 1–2 in Appendix A). The coastal California gnatcatcher is a federally listed threatened species.

Up to seven pairs of California gnatcatchers were found in coastal sage scrub (CSS) within the I-5 right-of-way during the surveys (Figures 2A and 2B).

## STUDY AREA

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), proposes road improvements and the extension of HOV lanes on I-5 from 0.1 mile (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.3) to 0.1 mi south of the San Juan Creek Road UC (PM 8.7). The linear project area begins in the north near San Juan Creek at approximately 33°29'39" N, 117°39'36" W and terminates south of East Avenida Pico at approximately 33°25'57" N, 117°36'57" W with a major curve at approximately 33°28'16" N, 117°40'27" W. The project ranges in elevation from approximately 70 to 225 feet (ft) above mean sea level (amsl). Vegetation within and adjacent to the State right-of-way for the project segment of I-5 is dominated by CSS, saltbush (*Atriplex* sp.) scrub, and ornamental plantings (e.g., hottentot fig [*Carpobrotus edulis*], *Eucalyptus* sp., *Pinus* sp., *Schinus* sp.).

## METHODS

LSA biologists Ingrid Quon and Richard Erickson conducted nine protocol non-breeding season surveys from October 5, 2009 to January 25, 2010. During each survey, the biologist walked slowly through the CSS and adjacent habitats, listening for coastal California gnatcatchers. A taped coastal California gnatcatcher recording was played periodically along the survey route.

Mr. Erickson and Ms. Quon's surveys were conducted pursuant to Federal Fish and Wildlife Permit TE-777965-8 (April 8, 2008–April 7, 2012) and a letter permit from the California Department of Fish and Game (CDFG) attached to Scientific Collecting Permit SC-000777 covering conditions for

research on listed birds (July 23, 2009–April 12, 2012). On September 22, 2009, per permit requirements, a 10-day notification was faxed to Sandra Marquez (United States Fish and Wildlife Service [USFWS]) and Lyann Comrack (CDFG). The survey schedule and conditions are shown in Table A.

**Table A: Survey Schedule and Conditions**

Date 2009-2010	Time	Weather	Surveyor
October 5	0715–1130	Partly cloudy, mild, light air	IQ
October 19	0815–1115	Partly cloudy, mild, light air	IQ
November 2	0900–1100	Clear, mild, light air	IQ
November 13	0745–1130	Overcast, cool, calm	RE
November 27	0800–1130	Clear, mild, calm	IQ
December 15	0745–1130	Overcast, cool, calm	RE
December 30	0900–1200	Overcast, cool, light air	IQ
January 12	0745–1100	Overcast, cool, calm	RE
January 25	0800–1115	Clear, chilly-mild, light air	IQ

Surveyor: RE = Richard Erickson; IQ = Ingri Quon

## RESULTS

Most CSS within the I-5 right-of-way is occupied by coastal California gnatcatchers. Up to seven pair of California gnatcatchers were observed during the surveys (Figures 2A and 2B). Many of the pairs were observed during each survey. On November 13, three pairs of gnatcatchers were observed in CSS along the western slope of I-5 near Camino Capistrano and Doheny Park Road. On the same day, a fourth pair was detected across the freeway approximately 350 ft south of the Stonehill Drive on-ramp to I-5 north. On January 25, up to three more pairs were observed in the high quality CSS along the southwest side of I-5 between Camino de Estrella and the Shorecliff Golf Club at Avenida Vaquero.

The brown-headed cowbird (*Molothrus ater*), which is a brood parasite of California gnatcatchers and other passerines, was not detected on any survey. Animal species detected during the surveys are listed in Appendix B.

If you have any questions or comments, please call (949) 553-0666 or email me at [ingri.quon@lsa-assoc.com](mailto:ingri.quon@lsa-assoc.com) or Mr. Erickson at [richard.erickson@lsa-assoc.com](mailto:richard.erickson@lsa-assoc.com).

Sincerely,

LSA ASSOCIATES, INC.



Ingri Quon  
Senior Biologist

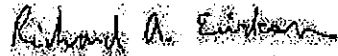
Attachments: Appendix A: Figures 1–2  
Appendix B: Animal Species Detected

**I CERTIFY THAT THE INFORMATION IN THIS SURVEY REPORT AND ATTACHED EXHIBITS FULLY AND ACCURATELY REPRESENT MY WORK:**

**SURVEYOR:**

**PERMIT NUMBER:**

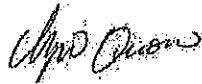
**DATE:**



Richard Erickson

TE-777965-8

February 3, 2010



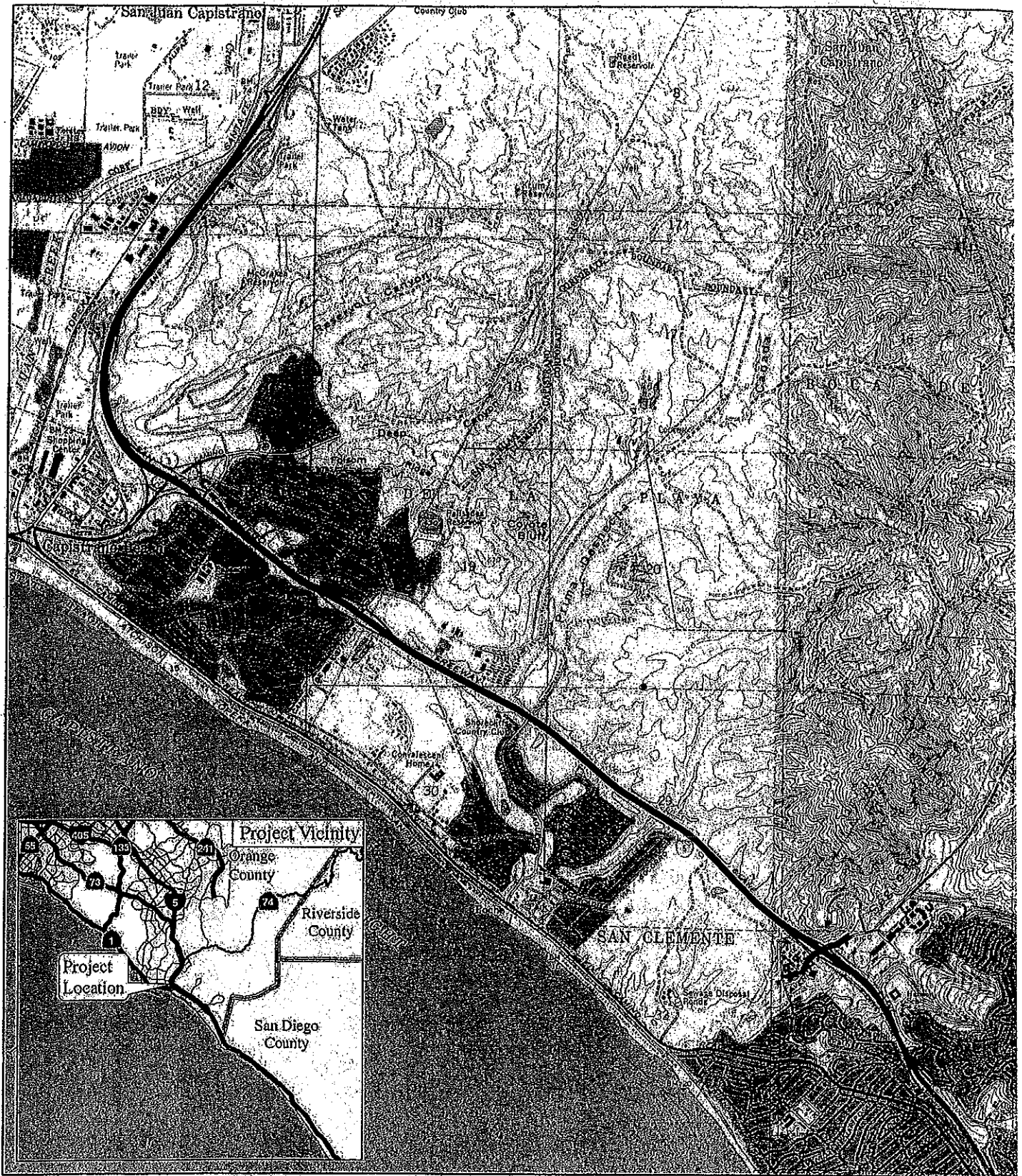
Ingri Quon

TE-777965-8

February 3, 2010

## APPENDIX A

### FIGURES



# LEGEND

— Project Location

FIGURE



0 1500 3000  
FEET

SOURCE: USGS 7.5' QUAD - Dana Point ('75); San Clemente ('75)  
I:\RMN0901\GIS\Figure1\_ProjLoc.mxd (2/3/2010)

I-5 HOV Lane Extension Proj.  
Project Location  
12-ORA-005 PM 3.30/8  
12840-0F96  
EA# OF96

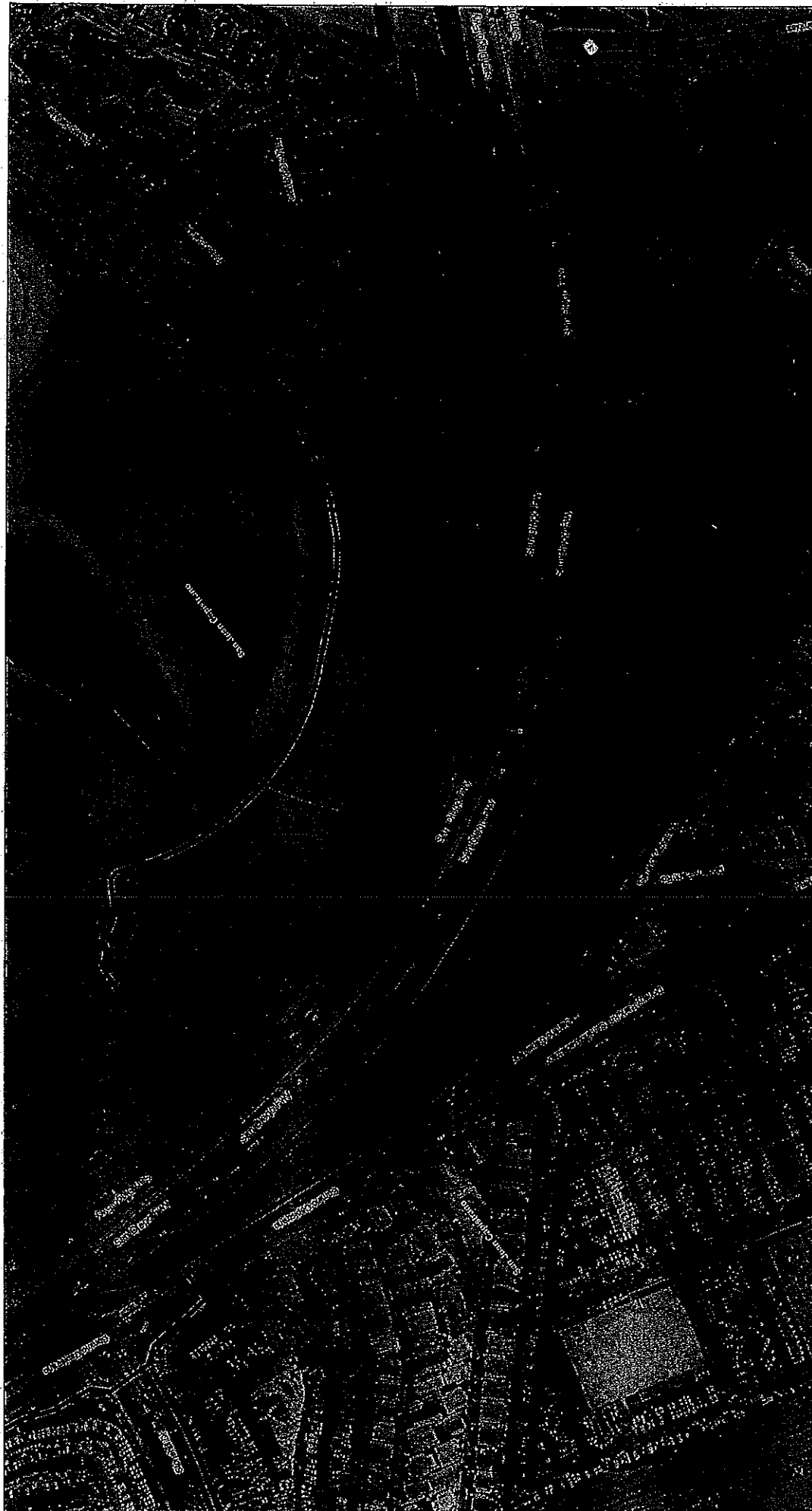
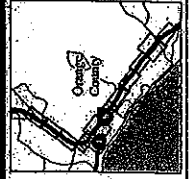


FIGURE 2A

1-5 HOV Lane Extension Project  
 Coastal California Gnatcatcher Areas  
 12-ORA-005 PM 3.308.70  
 12840-0F960K  
 EAF-0F9600



LEGEND  
 [White Box] Biological Study Area  
 [Black Box] Coastal California Gnatcatcher pair and/or adult sighting area



SOURCE: BIR, (2008)  
 12840-0F960K (2010)





**FIGURE 2B**

1-5 HOV Lane Extension Project  
Coastal California Gnatcatcher Areas  
12-CPA-005 PM 3.308.70  
12840-0F960K  
EA# 0F9600



**Ptiligonatidae**

*Phainopepla nitens*

**Parulidae**

*Vermivora celata*  
*Dendroica coronata*  
*Dendroica townsendi*  
*Geothlypis trichas*

**Emberizidae**

*Pipilo maculatus*  
*Pipilo crissalis*  
*Melospiza melodia*  
*Melospiza lincolni*  
*Zonotrichia leucophrys*  
*Zonotrichia atricapilla*

**Fringillidae**

*Carpodacus mexicanus*  
*Spinus psaltria*

**Passeridae**

\* *Passer domesticus*

**MAMMALIA**

**Sciuridae**

*Spermophilus beecheyi*

**Geomyidae**

*Thomomys bottae*

**Cricetidae**

*Neotoma lepida*

**Leporidae**

*Sylvilagus audubonii*

**Canidae**

*Canis latrans*

**Mephitidae**

*Mephitis mephitis*

**Silky-flycatchers**

*Phainopepla*

**Wood Warblers**

Orange-crowned warbler  
Yellow-rumped warbler  
Townsend's warbler  
Common yellowthroat

**Emberizids**

Spotted towhee  
California towhee  
Song sparrow  
Lincoln's sparrow  
White-crowned sparrow  
Golden-crowned sparrow

**Fringilline and Cardueline Finches and  
Allies**

House finch  
Lesser goldfinch

**Old World Sparrows**

House sparrow

**MAMMALS**

**Squirrels, Chipmunks, and Marmots**

California ground squirrel

**Pocket Gophers**

Botta's pocket gopher

**Hamsters, Voles, Lemmings, and New  
World Rats and Mice**

Desert woodrat

**Rabbits and Hares**

Audubon's cottontail

**Foxes, Wolves, and Allies**

Coyote

**Skunks**

Striped skunk

**Procyonidae**

*Procyon lotor*

**Raccoons and Allies**

Raccoon

**Cervidae**

*Odocoileus hemionus*

**Deer, Elk, and Allies**

Mule deer

**Taxonomy and nomenclature are based on the following.**

Damselflies and dragonflies: Paulson, D. (2009, Dragonflies and Damselflies of the West, Princeton University Press, Princeton, New Jersey).

Butterflies: North American Butterfly Association (2001, NABA checklist and English Names of North American Butterflies, Second Edition, North American Butterfly Association, Morristown, New Jersey; see <http://www.naba.org/pubs/checklst.html>).

Amphibians and reptiles: Crother, B.I. ed. (2008, Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico. *Herpetological Circular* 37) for species taxonomy and nomenclature; Stebbins, R.C. (2003, A Field Guide to Western Reptiles and Amphibians, third edition, Houghton Mifflin, Boston) for sequence and higher order taxonomy.

Birds: American Ornithologists' Union (1998, The A.O.U. Checklist of North American Birds, Seventh Edition, American Ornithologists' Union, Washington D.C.; and supplements; see <http://www.aou.org/checklist/north/index.php>).

Mammals: Wilson, D.E., and D.M. Reeder, eds. (2005, Mammal Species of the World, 3rd ed., Johns Hopkins University Press, Baltimore, Maryland; see <http://vertebrates.si.edu/mammals/msw/>).



# United States Department of the Interior

LSA  
LSA ASSOCIATES, INC.

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, California 92011



OCT 01 2009

RECEIVED

In Reply Refer To: IRVINE  
FWS-OR-09B0458-09SL1235

SEP 28 2009

Elizabeth Delk  
LSA Associates, Inc.  
20 Executive Park, Suite 200  
Irvine, CA 92614

Subject: Request for a List of Proposed, Threatened, and Endangered Species, and Critical Habitats Occurring in the Vicinity of the I-5 HOV Lane Extension Project, Cites of San Clemente, Dana Point, and San Juan Capistrano, Orange County, California

Dear Ms. Delk:

This letter is in response to your request, received August 31, 2009, for a list of federally endangered, threatened, and proposed species and critical habitats present in Orange County, California. To assist you in evaluating the potential occurrence of federally listed endangered, threatened, proposed, and candidate species and their critical habitat that occur in Orange County, we are providing the enclosed list.

Because we do not have site-specific information for the proposed project, we recommend that you seek assistance from a biologist familiar with the habitat conditions and associated species in and around the project site to assess the actual potential for direct, indirect, and cumulative impacts likely to result from the proposed activity. We also suggest that you contact the California Department of Fish and Game regarding State-listed and sensitive species that may occur within the project area. Please note that State-listed species are protected under the provisions of the California Endangered Species Act.

As a reminder, if a proposed project is authorized, funded, or carried out by a Federal agency and may affect a federally listed species, then section 7 consultation pursuant to the Endangered Species Act of 1973 (Act), as amended, is required. If a proposed project does not involve a Federal agency, but is likely to result in the take of a listed animal species, then the project proponent should apply for an incidental take permit, pursuant to section 10 of the Act.

TAKE PRIDE  
IN AMERICA


Elizabeth Delk (FWS-OR-09B0458-09SL1235).

2

Should you have any questions regarding the species listed or your responsibilities under the Act, please contact Sally Brown of this office at (760) 431-9440, extension 278.

Sincerely,

A handwritten signature in cursive script that reads "Sally Brown".

 Karen A. Goebel  
Assistant Field Supervisor

Enclosure

**Federally Endangered, Threatened, Proposed, and Candidate Species and Critical Habitat  
that Occur in the Vicinity of the I-5 HOV Lane Extension Project, Orange  
County, California**

September 28, 2009

Common Name	Scientific Name	Federal Status	Critical Habitat
<b><u>Plants</u></b>			
thread-leaved brodiaea	<i>Brodiaea filifolia</i>	threatened	none
<b><u>Invertebrates</u></b>			
Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	endangered	none
<b><u>Fish</u></b>			
tidewater goby	<i>Eucyclogobius newberryi</i>	endangered	none
southern steelhead	<i>Oncorhynchus mykiss</i>	endangered	present
<b><u>Amphibians</u></b>			
arroyo toad	<i>Bufo californicus</i>	endangered	none
<b><u>Birds</u></b>			
western snowy plover	<i>Charadrius alexandrinus nivosus</i>	threatened	none
southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	endangered	none
brown pelican	<i>Pelecanus occidentalis</i>	endangered	N/A*
coastal California gnatcatcher	<i>Poliophtila californica californica</i>	threatened	present
California least tern	<i>Sternula antillarum browni</i>	endangered	N/A
least Bell's vireo	<i>Vireo bellii pusillus</i>	endangered	none

\* N/A = Not Applicable